


1 **TEKER TORRES & TEKER, P.C.**
SUITE 2A, 130 ASPINALL AVENUE
2 HAGÂTÑA, GUAM 96910
TELEPHONE: (671) 477-9891-4
3 FACSIMILE: (671) 472-2601

4 *For and on behalf of Plaintiff*

FILED
DISTRICT COURT OF GUAM
OCT - 4 2006 
MARY L.M. MORAN
CLERK OF COURT

7 IN THE DISTRICT COURT OF GUAM

8 -----
9 U.S. EQUAL EMPLOYMENT)
10 OPPORTUNITY COMMISSION,)

11 Plaintiff,)

12 vs.)

13 LEO PALACE RESORT,)

14 Defendant.)
15 -----

CIVIL CASE NO. 06-00028

**NOTICE OF FILING COMPLAINT
CONTAINING ORIGINAL
SIGNATURE OF ANNA Y. PARK**

16 TO: CLERK, DISTRICT COURT OF GUAM.

17 PLEASE TAKE NOTICE that the Complaint in the above-captioned action containing the
18 original signature of Anna Y. Park, Esq. is filed hereby.

19 Dated this 4th day of October, 2006.

20 **TEKER TORRES & TEKER, P.C.**

21 By: 
22

LAWRENCE J. TEKER, ESQ.

23 *For and on behalf of Plaintiff*

ORIGINAL

ORIGINAL

1 Anna Y. Park, CA SBN 164242
2 U.S. EQUAL EMPLOYMENT
3 OPPORTUNITY COMMISSION
4 255 East Temple Street, Fourth Floor
5 Los Angeles, CA 90012
6 Telephone: (213) 894-1083
7 Facsimile: (213) 894-1301
8 E-Mail: lado.legal@eeoc.gov

9 Wilfredo Tungol, HI SBN 2550
10 U.S. EQUAL EMPLOYMENT
11 OPPORTUNITY COMMISSION
12 300 Ala Moana Boulevard, Room 7-127
13 Honolulu, HI 96850
14 Telephone: (808) 541-3121
15 Facsimile: (808) 541-3390
16 E-Mail: wilfredo.tungol@eeoc.gov

17 Attorneys for Plaintiff
18 U.S. EQUAL EMPLOYMENT
19 OPPORTUNITY COMMISSION

20 UNITED STATES DISTRICT COURT
21 DISTRICT OF GUAM

22 U.S. EQUAL EMPLOYMENT
23 OPPORTUNITY COMMISSION,

24 Plaintiff,

25 vs.

26 LEO PALACE RESORT,

27 Defendants.

Case No.:

06-00028

COMPLAINT—TITLE VII
Sexual Harassment
Retaliation

JURY TRIAL DEMAND

28 NATURE OF THE ACTION AND JURISDICTION

1. This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Vivienne Villanueva, Jennifer Holbrook,

FILED
DISTRICT COURT OF GUAM
SEP 29 2006
MARY MORAN
CLERK OF COURT

1 Rosemarie Taimanglo and other similarly situated individuals, who were adversely affected by
2 such practices. As set forth more fully in this Complaint, Plaintiff U.S. Equal Employment
3 Opportunity Commission alleges that Vivienne Villanueva, Jennifer Holbrook, Rosemarie
4 Taimanglo and other similarly situated individuals were subjected to a hostile work environment
5 on the basis of their sex, female, and that Jennifer Holbrook and Rosemarie Taimanglo were
6 retaliated against for complaining of the hostile work environment, by Defendant Leo Palace
7 Resort. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and
8 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section
9 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)
10 and § 2000e-6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

11 VENUE

12 2. The employment practices alleged to be unlawful were and are now being
13 committed within the jurisdiction of the United States District Court for the District of Guam.

14 PARTIES

15 3. Plaintiff, the U.S Equal Employment Opportunity Commission ("EEOC" or
16 "Commission"), is the agency of the United States of America charged with the administration,
17 interpretation and enforcement of Title VII, and is expressly authorized to bring this action by
18 Section 706(f)(1) and (3) and Section 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §
19 2000e-6.

20 4. At all relevant times, Defendant Leo Palace Resort has continuously been a
21 corporation doing business in Guam and the City of Yona, and has continuously had at least
22 15 employees.

23 5. At all relevant times, Defendant Employer has continuously been an employer
24 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
25 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

26 STATEMENT OF CLAIMS

27 6. More than thirty days prior to the institution of this lawsuit, Vivienne Villanueva,
28 Jennifer Holbrook and Rosemarie Taimanglo filed charges with the Commission alleging

1 violations of Title VII by Defendant Employer. All conditions precedent to the institution of this
2 lawsuit have been fulfilled.

3 7. From June 2004, Defendant Employer engaged in unlawful employment practices
4 at their Yona, Guam location, in violation of Title VII, 42 U.S.C. § 2000e-2, by subjecting
5 Viviene Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated
6 individuals to a hostile working environment on the basis of sex. Viviene Villanueva, Jennifer
7 Holbrook, Rosemarie Taimanglo and other similarly situated individuals were subjected to
8 unwelcome severe and/or pervasive harassment by a female co-worker that included, but was not
9 limited to, frequent and repeated physical touching, requests for sex, and gestures and
10 commentary of a sexual nature that persisted despite numerous complaints of the behavior made
11 to Defendant Employer. Defendant Employer further failed to exercise reasonable care to
12 prevent and correct promptly the sexually harassing behavior. All three employees were
13 constructively discharged as a result.

14 8. Beginning on or about June 2004, and continuing thereafter, Defendant
15 Employers engaged in unlawful employment practices at their Yona, Guam, location, in
16 violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3 by retaliating against Jennifer
17 Holbrook and Rosemarie Taimanglo for opposing the harassment described in paragraph 9 above
18 which led to their constructive discharge. Specifically, Defendant Employers took an adverse
19 employment action against Jennifer Holbrook and Rosemarie Taimanglo by reducing hours and
20 subjecting them to discipline and failing to maintain the confidentiality of their harassment
21 complaints which led to their constructive discharge.

22 9. The effect of the practices complained of above has been to deprive Viviene
23 Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated individuals of
24 equal employment opportunities and otherwise adversely affect their status as an employee,
25 because of their sex, female.

26 10. The unlawful employment practices complained of above were and are
27 intentional.

28 ///

1 11. The unlawful employment practices complained of above were and are done with
2 malice or with reckless indifference to the federally protected rights of Vivienne Villanueva,
3 Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated individuals.

4 **PRAYER FOR RELIEF**

5 Wherefore, the Commission respectfully requests that this Court:

6 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
7 successors, assigns, and all persons in active concert or participation with them, from engaging
8 in sexual harassment, retaliation and any other employment practice which discriminates on the
9 basis of sex.

10 B. Order Defendant Employer to institute and carry out policies, practices, and
11 programs which provide equal employment opportunities, and which eradicate the effects of
12 their past and present unlawful employment practices.

13 C. Order Defendant Employer to make whole Vivienne Villanueva, Jennifer
14 Holbrook, Rosemarie Taimanglo and other similarly situated individuals, by providing
15 appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other
16 affirmative relief necessary to eradicate the effects of their unlawful employment practices.

17 D. Order Defendant Employers to make whole Vivienne Villanueva, Jennifer
18 Holbrook, Rosemarie Taimanglo and other similarly situated individuals, by providing
19 compensation for past and future pecuniary losses resulting from the unlawful employment
20 practices described above, in amounts to be determined at trial.

21 E. Order Defendant Employers to make whole Vivienne Villanueva, Jennifer
22 Holbrook, Rosemarie Taimanglo and other similarly situated individuals by providing
23 compensation for past and future nonpecuniary losses resulting from the unlawful practices
24 complained of above, including emotional pain, suffering, inconvenience, loss of enjoyment of
25 life, and humiliation, in amounts to be determined at trial.

26 F. Order Defendant Employers to pay Vivienne Villanueva, Jennifer Holbrook,
27 Rosemarie Taimanglo and other similarly situated individuals punitive damages for its malicious
28 and reckless conduct described above, in amounts to be determined at trial.

1 G. Grant such further relief as the Court deems necessary and proper in the public
2 interest.

3 H. Award the Commission its costs of this action.

4 **JURY TRIAL DEMAND**

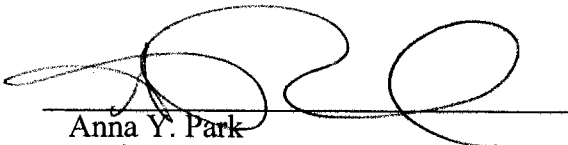
5 The Commission requests a jury trial on all questions of fact raised by its complaint.

6
7 Ronald S. Cooper
General Counsel

8 James L. Lee
9 Deputy General Counsel

10 Gwendolyn Young Reams
Associate General Counsel

11
12 Dated: September 27, 2006

13 
14 Anna Y. Park
Regional Attorney

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

U.S. Equal Employment Opportunity Commission

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

See Page 2

DEFENDANTS

Leo Palace Resort

County of Residence of First Listed Defendant Yona, Guam

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Tide XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 2000e-2

Brief description of cause:

To correct unlawful employment practices

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE